

REMARKS/ARGUMENTS

Claims 1-68 are currently pending in this application. Claims 25, 26 and 27 are independent claims, with all other claims depending from either claim 25, 26 or 27. Claims 25, 26 and 27 are hereby amended to recite that blood return rates and removal rates are adjusted during operation of the blood processing procedure based on total blood volume. Support for these amendments can be found on page 7 of the specification, lines 27-30. Claims 54 and 55 are hereby canceled.

Claim Rejections – 35 USC §112

Claims 54 and 55 are rejected under 35 USC §112, second paragraph. Claims 54 and 55 are hereby canceled making this rejection moot.

Rejections over U.S. Patent 6,179,801 (Holmes et al.)

The Examiner maintained the rejections of the claims under 35 USC 102(b) and 103(a) over U.S. Patent 6,179,801 (Holmes et al.). Holmes discloses a blood processing system and method, specifically a system and method for apheresis. In Applicants' previous response, it was argued that Holmes does not teach or suggest the blood return rate or removal rate being controlled or adjusted based on the total blood volume of the donor. However, the Examiner asserted that the claims did not recite altering or adjusting the blood flow rates as presented in the arguments.

The Examiner asserted that Applicants did not claim the step of using total blood volume to alter blood removal rate or return rate during operation. Instead, the Examiner stated that the previous claims merely recited that the total blood volume is used to set removal and return flow rates, which may occur at the beginning of the procedure without any adjustments during the procedure. Holmes discloses the removal of blood via inlet pump 1030 and the return rate of blood via return pump 1090 according to a predetermined protocol stored in the blood component separation device which operates, in part, on total blood volume of the donor. Therefore, the Examiner concluded that Holmes discloses the method of the previous claims.

In order to advance prosecution, claims 25-27 of the present application are hereby amended to specifically recite methods of processing blood wherein the blood removal rate and blood return rate are adjusted during operation of the blood processing procedure based on the total blood volume of the patient. As argued in Applicants' previous response, Holmes does not disclose that the donor's total blood volume can be used to alter the blood removal or return rate during operation of the blood processing procedure. Holmes discusses total blood volume at column 56, line 61 through column 57, line 2, which states: "The donor/patient's 4 total blood volume may be utilized in the determination of various parameters associated with the apheresis procedure and/or in the estimation of the number of blood components which are anticipated to be collected in the procedure." Estimations of blood products, such as estimated platelets or plasma to be recovered, are made using total blood volume, time of donation, hematocrit, and platelet pre-count (column 57 and Figure 35). However, this passage does not teach or suggest that the donor's total blood volume can be used to alter the blood removal rate or return rate during operation.

Because there is no disclosure in Holmes that teaches all of the limitations of amended claims 25-27, this reference cannot anticipate the claims and the rejection under 35 USC §102(b) should be withdrawn. Since independent claims 25-27 are not anticipated by Holmes, the remaining dependent claims also are not anticipated. Furthermore, there is no suggestion within Holmes or in combination with another reference for one skilled in the art to modify the teachings of Holmes to arrive at the adjusted blood removal or return rate of the amended claims. Because Holmes does not teach or suggest every limitation of the amended claims, the rejections under 35 USC 102(b) and 103(a) should be withdrawn.

In a brief interview on April 11, 2007, the Examiner indicated that amended claims 25-27 would be patentable over Holmes. Applicants would like to thank the Examiner for her time and consideration.

Conclusion

In view of the foregoing, it is submitted that this case is in condition for allowance, and passage to issuance is respectfully requested. If there are further issues related to patentability, the courtesy of a telephone interview is requested, and the Examiner is invited to call to arrange a mutually convenient time.

This Amendment is accompanied by a Request for Continued Examination and the fee in the amount of \$790.00. However, if this is incorrect, please charge any deficiency to Deposit Account No. 07-1969.

Respectfully submitted,
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